

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

**UNITED STATES OF AMERICA,** )  
                                    )  
                                    )  
**Plaintiff,**                 )  
                                    )  
**vs.**                          )                              **Case No. 05-6002-01-CR-SJ-GAF**  
                                    )  
**LISA MONTGOMERY,**         )  
                                    )  
**Defendant.**                 )

**ORDER**

Now pending before the Court are five pretrial motions filed by Defendant Lisa Montgomery:

1. Motion for Order Declaring Federal Death Penalty Act Unconstitutional Due to Risk of Execution of Innocent [Doc. #103];
2. Motion to Prohibit the Government From Seeking the Death Penalty Due to Unconstitutionality of Provisions of the Federal Death Act [Doc. #104];
3. Motion That the Court Find Unconstitutional the Provision of the Federal Death Act Allowing the Government to Present “Information” and Not Follow the Federal Rules of Evidence During Penalty Phase Proceedings [Doc. #105];
4. Motion to Prohibit Execution Protocol as Unconstitutionally Cruel and Unusual Punishment [Doc. #106]; and
5. Motion for Detailed Disclosure of Proposed Victim Impact Evidence, for Pretrial Hearing Regarding Admissibility of Said Evidence, and for Implementation of Certain Safeguards Pertaining to Presentation of Such Evidence [Doc. #107].

On March 20, 2007, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation (Doc. #177). On March 23, 2007, Defendant filed her Objections to the Report and Recommendation (Docs. # 182, 183, and 184).

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant's Objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED:

1. Defendant's Motion for Order Declaring Federal Death Penalty Act Unconstitutional Due to Risk of Execution of Innocent (With Suggestions in Support), filed December 21, 2006 [Doc. #103] is denied;
2. Defendant's Motion to Prohibit the Government From Seeking the Death Penalty Due to Unconstitutionality of Provisions of the Federal Death Penalty Act [Doc. #104] is denied;
3. Defendant's Motion that the Court Find Unconstitutional the Provision of the Federal Death Penalty Act Allowing the Government to Present "Information" and Not Follow the Federal Rules of Evidence During the Penalty Phase Proceedings [Doc. #105] is denied;
4. Defendant's Motion to Prohibit Execution Protocol as Unconstitutionally Cruel and Unusual Punishment [Doc. E 106] is denied; and
5. Defendant's Motion for Detailed Disclosure of Proposed Victim Impact Evidence, for Pretrial Hearing Regarding Admissibility of Said Evidence, and for

Implementation of Certain Safeguards Pertaining to Presentation of Such  
Evidence [Doc. #107] is denied.

SO ORDERED.

s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
UNITED STATES DISTRICT COURT

DATED: April 2, 2007